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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/505,388

02/28/2005

Bernd Kreuzer

166-75

7212

7590

03/19/2007

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EXAMINER

NICHOLSON III, LESLIE AUGUST

ART UNIT

PAPER NUMBER

3651

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

03/19/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/505,388	Applicant(s) KREUZER ET AL.	
	Examiner Leslie A. Nicholson III	Art Unit 3651	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 February 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) 13-18, 22-33, 35 and 36 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11, 19-21, 37-40 is/are rejected.
- 7) ☒ Claim(s) 12 and 34 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 January 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>1/8/2007</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Newly submitted claims 35,36 directed to an invention that is independent or distinct from the invention originally claimed for the following reasons:

Applicant elected species III, carriage 60 illustrated in figure 5 in the reply filed 6/29/2006. Claims 35,36 include limitations not generic to species III.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 35,36 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Response to Arguments and Amendments

2. Due to Applicant's amendments, all previous objections to the claims, drawings, and specification, as well as all previous 35 USC 112 2nd paragraph rejections, are hereby withdrawn.

Applicant's arguments with respect to claims 1-11,19-21 have been considered but are moot in view of the new ground(s) of rejection.

Applicant argues Kreuzer and Koga do not serve for surface treatment of workpieces. Regarding Kreuzer, see the title of the invention. The device of Koga is fully capable of being used for surface treatment of workpieces.

Applicant further argues Kreuzer does not suggest incorporating a variety of different types of carriages as in the present invention. In response, see ¶1.

Applicant further argues Koga does not disclose individual carriages. In response, the claims recite "one or more carriages".

Allowable Subject Matter

3. Claims 12,34 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1,5-11,37-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kreuzer USP 6,419,983 in view of Goebel WO 02/04279 A1.

Kreuzer discloses a device comprising:

- A first module having a handling line with one or more handling regions and a guide device (5) (fig.1,4)
- Said carriages comprising an outer frame, an inner frame that revolves around a rotary shaft (13), said rotary shaft disposed in an essentially horizontal and

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perpendicular manner in relation to the direction of movement of said carriages
(at least fig.1)

- A first transfer station that interacts with a first conveying means (6) for supplying said workpieces to be handled (fig.8-10)
- A second transfer station that interacts with a second conveying means (30) for removing said handling workpieces (fig.11-13)
- A return means (27) for conveying said carriages from said second transfer station to said first transfer station characterized in that said return means has a switching means for transferring carriages into or out of a maintenance zone
- Said pivoting shaft (13) disposed essentially parallel to said guide device (fig.18)
- One or more carriages pivot about an axis extending substantially parallel to a direction of movement of the workpieces along the handling line (fig.18) and additionally pivot about an axis extending substantially perpendicular to the direction of movement of the workpieces along the handling line (fig.1-7,17)

Kreuzer does not expressly disclose a second module wherein said first module is structured and arranged to cooperate and be combined with various types of said second module.

Goebel teaches a second module wherein said first module is structured and arranged to cooperate and be combined with various types of said second module (fig.1) for the purpose of providing multiple production sections in a production line (abstract).

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At the time of invention it would have been obvious to one having ordinary skill in the art to employ a second module wherein said first module is structured and arranged to cooperate and be combined with various types of said second module, as taught by Goebel, in the device of Kreuzer, for the purpose of providing multiple production sections in a production line.

6. Claims 1-5,8-10 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Koga USP 5,088,176.

Koga discloses a device comprising:

- A first module having a handling line with one or more handling regions and a guide device (fig.1) (C1/L10-16)
- wherein said guide device is disposed on one side of said handling line only (fig.1)
- wherein said guide device comprises at least one rail (3a)
- wherein said carriages have rollers (3b)
- Said pivoting shaft (4) disposed essentially parallel to said guide device

Koga does not expressly disclose a second module wherein said first module is structured and arranged to cooperate and be combined with various types of said second module.

Goebel teaches a second module wherein said first module is structured and

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arranged to cooperate and be combined with various types of said second module (fig.1) for the purpose of providing multiple production sections in a production line (abstract).

At the time of invention it would have been obvious to one having ordinary skill in the art to employ a second module wherein said first module is structured and arranged to cooperate and be combined with various types of said second module, as taught by Goebel, in the device of Koga, for the purpose of providing multiple production sections in a production line.

7. Claims 19-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kreuzer USP 6,419,983 in view of Ehrenleitner DE 20105676 U1 (see USP 6676755).

Kreuzer discloses all the limitations of the claim, but does not expressly disclose a rotary drive or a travel drive on each carriage.

Ehrenleitner teaches a rotary drive (54-57,78-81) and a travel drive (28,29) on each carriage for the purpose of individually controlling each workpiece.

At the time of invention it would have been obvious to one having ordinary skill in the art to employ a rotary drive and a travel drive on each carriage, as taught by Ehrenleitner, in the device of Kreuzer, for the purpose individually controlling each workpiece.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

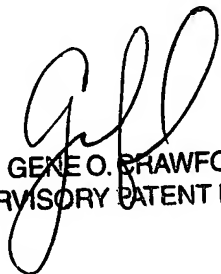
9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leslie A. Nicholson III whose telephone number is 571-272-5487. The examiner can normally be reached on M-F, 8:30 AM - 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gene Crawford can be reached on 571-272-6911. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

L.N.
3/15/2007


GENE O. CRAWFORD
SUPERVISORY PATENT EXAMINER